



City of Madison Proceedings - Final COMMON COUNCIL

City of Madison
Madison, WI 53703
www.cityofmadison.com

Tuesday, July 19, 2005

6:30 PM

210 Martin Luther King, Jr. Blvd.
Room 201 (City-County Building)

SPEAKING GUIDELINES

If you need an interpreter, materials in alternate formats or other accommodations, please contact the Office of the Common Council at 266-4071, TTY 267-8670. Please do so 48 hours prior to the meeting so that proper arrangements can be made.

Speaking Limits: Public Hearing - 5 Minutes, Information Hearing - 5 Minutes,
Other Items - 3 minutes

You must register before your item is considered by the Council.

The consent agenda will be considered following Public Hearings.

The use of audible cell phone ringers and active use and response to cellular phone technology by the governing body, staff and members of the public is discouraged in the Council Chambers while the Council is in session.

NOTIFIED ABSENCES: None

RECESSED COMMON COUNCIL MEETING OF 6/7/05 - Roll Call at 6:35 p.m., Mayor Cieslewicz in the chair.

Present: Benford, Sanborn, Brandon, Bruer, Cnare, Golden, King, Konkel, Gruber, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski, Webber and Mayor Cieslewicz

Absent: Compton and Olson

1. [01510](#) Late License Renewal
Neek, Inc. • dba Kimia Lounge • Kami Eshraghi
114 W. Mifflin Street • Class B Combination Liquor & Beer

A motion was made by Ald. Verveer, seconded by Council President Van Rooy, to Grant. The motion passed by acclamation.

Adjourn at 6:37 p.m.

A motion was made by Ald. Verveer, seconded by Council President Van Rooy, to Adjourn. The motion passed by acclamation.

REGULAR COMMON COUNCIL MEETING 7/19/05 - Roll Call at 6:38 p.m., Mayor Cieslewicz in the chair.

Present: Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkell, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski, Webber and Mayor Cieslewicz

SUSPEND THE RULES

Suspend Rules 2.04 (order of business), 2.05 (introduction of business), 2.24 (ordinances), and 2.25 (resolutions) for items so designated on the agenda.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Suspend the Rules. The motion passed by acclamation.

SPECIAL ORDER OF BUSINESS

2. [01587](#) Proclaiming July 30, 2005 as "Lowell Day" in Madison, Wisconsin.
1 Registrant in support wishing to speak.

A motion was made by Council President Van Rooy, seconded by Ald. Webber, to Adopt. The motion passed by acclamation.

Enactment No: RES-05-00611

PETITIONS AND COMMUNICATIONS

PETITIONS

3. [01630](#) Petition dated July 12, 2005 from WL Holdings, LLC, R. Rose, L. & C. Aschbrenner, & J. Kern re: direct annexation from the Town of Blooming Grove to the City of Madison.
Due back at the 8/2/05 Common Council Meeting.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Refer to the PLAN COMMISSION, due back on August 2, 2005. The motion passed by acclamation.

4. [01631](#) Petition dated May 27, 2005 from Murphy & Desmond, S.C., attorney for S. & J. Shalkham and J. & P. Krantz re: direct annexation from the Town of Verona to the City of Madison.
Due back at the 8/2/05 Common Council Meeting.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Refer to the PLAN COMMISSION, due back on August 2, 2005. The motion passed by acclamation.

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM (AT THE TOP OF THE NEXT PAGE)

5. [00992](#) Creating Section 28.06(2)(a)3095 of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District and PUD(SIP) Planned Unit Development (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3096 of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Mixed Use, Predominantly Residential Development of Approximately 400 Dwelling Units, including Retail, Commercial, Office Space & Parking. The Proposal also Includes the Demolition of Buildings on this Site, Retaining the Parking Ramp-328 West Main Street and the Former Clinic/Office Building Located at 345 West Washington Avenue; 4th Aldermanic District: 309-333 West Washington Avenue & 306 West Main Street.

Public Hearing Closed. 7 Registrant(s) in support not wishing to speak; 1 Registrant(s) in opposition not wishing to speak; 11 Registrant(s) in support wishing to speak; 1 Registrant(s) in opposition wishing to speak.

A motion was made by Ald. Verveer, seconded by Ald. Olson, to Adopt with Amended Condition(s) Amend condition # 3 in the Plan Commission report to read: All encroachments into the public rights-of-way including the above-grade balcony encroachments into West Washington Ave. shall be considered by the City's Privelege in Streets Committee and approved by the Common Council through approval of a lease or similar vehicle. Add condition # 22 which reads: Curb cuts into the street terrace along W. Washington Ave. shall be limited to driveways only. The terrace shall not be allowed to be used for parking or loading of vehicles. In coordination with City Departments, loading zones may be established at points along the curb in conjunction with building entrances. The motion passed by acclamation.

Enactment No: ORD-05-00130

PUBLIC HEARINGS - BEGIN AT 6:45 PM**REPORT OF BOARD OF PUBLIC WORKS**

6. [01281](#) AMENDED - Determining a Public Purpose and necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for planned improvements of the Mid-State Street Parking Ramp in part of Block 58, Madison Original Plat, City of Madison, Dane County, Wisconsin and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the acquisition of land interests.
(4th AD)

3 Registrant(s) in support not wishing to speak; 1 Registrant(s) in support wishing to speak; 3 Registrant(s) in opposition wishing to speak.

A motion was made by Ald. Verveer, seconded by Ald. Golden, to Adopt and Close the Public Hearing with the following amendment: add "Be it Further Resolved jurisdictional offers for the three houses located at 219, 223, & 225 W. Gilman Street shall not be issued until the Common Council approves the plans and specifications for the Mid-State Street Parking Ramp."

The motion passed by the following vote:

Aye: 16 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Gruber, Olson, Knox, Jr., Rosas, Skidmore, Van Rooy, Verveer and Radomski

No: 4 - Konkel, Palm, Thomas and Webber

Non Voting: 1 - Cieslewicz

Enactment No: RES-05-00612

Recess at 9:20 p.m., Roll Call at 9:40 p.m.

A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Take A Recess. The motion passed by acclamation.

Present: Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski, Webber and Mayor Cieslewicz

REPORT OF PLAN COMMISSION

7. [01498](#) Amending Section 28.085(5)(d) of the Madison General Ordinances to make hospitals a conditional use in the O-4 District.
3 Registrant(s) in support not wishing to speak.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt and Close the Public Hearing. The motion passed by the following vote:**
- Aye:** 19 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 1 - Konkel
- Non Voting:** 1 - Cieslewicz
- Enactment No:** ORD-05-00131

END OF PUBLIC HEARINGS

At this time, the balance of the agenda which has not been acted upon will be moved with the recommended action listed for each items EXCEPT: # 48 (ID# 01555), on motion of Van Rooy/Verveer: carry.

1) items which have registrants wishing to speak. 2) items which require an extraordinary (roll call) vote. 3) items which alderperson(s) have separated out for discussion/debate purposes.

BUSINESS BY THE MAYOR**APPOINTMENTS**

8. [01600](#) Report of the Mayor submitting alder committee appointments.
A motion was made by Council President Van Rooy, seconded by President Pro Tem Rosas, to Confirm. The motion passed by acclamation.
9. [01601](#) Report of the Mayor submitting citizen committee appointments.
Confirm at the 8/2/05 Common Council Meeting.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Refer to a future Meeting to Confirm for August 2, 2005. The motion passed by acclamation.**

RESOLUTIONS

10. [01603](#) In Memory of Jessica Bullen.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00613

BUSINESS BY THE PRESIDENT OF THE COMMON COUNCIL**RESOLUTIONS**

11. [01622](#) Authorizing the adoption of amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to allow sidewalk cafes to be located next to the building on the Capitol Square, and to remove some outdated language.
1 Registrant(s) in support not wishing to speak.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00614

REPORTS OF OFFICERS**REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE**

12. [01636](#) Alcohol License Review Committee
July 13, 2005, Report of Operator License Applications (New & Renewal)
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.

REPORT OF BOARD OF ESTIMATES

13. [01513](#) Authorizing the Madison Equal Opportunities Commission to enter into a purchase of service contract with the Metropolitan Milwaukee Fair Housing Center to provide fair housing testing services, through its satellite office, the Fair Housing Center of Greater Madison.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00615

14. [01515](#) That the vacant position (#1146) of Civil Technician 2 in Compensation Group 16, Range 14, in the permanent salary detail of the Engineering Division budget is repealed and recreated as a position of Management Information Specialist 2 in Compensation Group 18, Range 08, thereof.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00616
15. [01516](#) That the position (#3873) of Transit Accountant 2, in Compensation Group 44, Range 08 (occupied by S. Danner-Rivers) in the permanent salary detail of the Madison Metro budget is repealed and recreated as a Transit Accountant 3 in Compensation Group 44, Range 10, thereof, and be it further resolved that the incumbent shall be reallocated to the said position.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00617
16. [01517](#) That the position (#86) of Administrative Clerk 1, in Compensation Group 20, Range 09, (occupied by B. Malisch) in the permanent salary detail of the Overture Center budget is repealed and recreated as an Administrative Clerk 2 in Compensation Group 20, Range 11, thereof, and be it further resolved that the incumbent shall be reallocated to the said position.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00618
17. [01518](#) That the position (#99) of Program Assistant 2, in Compensation Group 17, Range 12, (occupied by N. Birmingham) in the permanent salary detail of the Overture Center budget is repealed and recreated as a Program Assistant 3 in Compensation Group 17, Range 13, thereof, and be it further resolved that the incumbent shall be reallocated to the said position.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00619
18. [01531](#) Authorizing the Mayor and Chief of Police to accept three highway safety grants totaling \$10,000 from the Wisconsin Department of Transportation to conduct pedestrian and bicycle enforcement and produce two pedestrian educational videos.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00620

19. [01537](#) Amending Section 3.38(1)(i)2. of the Madison General Ordinance by creating the classification of "Civil Rights Director" in Compensation Group 21, Range 18, thereof.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: ORD-05-00132
20. [01538](#) That the new position of "Civil Rights Director" tentatively established in Compensation Group XX, Range XX, in the permanent salary detail of the Department of Civil Rights budget is repealed and recreated as a position of "Civil Rights Director" in Compensation Group 21, Range 18, thereof.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00621
21. [01543](#) Approving the extension of a loan to Common Wealth Development, Inc., and authorizing the Mayor and City Clerk to execute an amendment to the loan agreement.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00622
22. [01552](#) AMENDED SUBSTITUTE - Authorizing the Mayor and City Clerk to execute a development agreement to fund a \$4,274,000 Tax Incremental Finance Loan to the Alexander Co., Inc. and its assigns to assist in the development of the first phase of a mixed-use redevelopment project (Capitol West) located in Block 51 of the West Washington Avenue corridor in the amended TID #28 (Bassett).
3 Registrant(s) in support wishing to speak; 3 Registrant(s) in support not wishing to speak; 14 Registrant(s) in opposition not wishing to speak.
A motion was made by Ald. Verveer, seconded by Ald. Olson, to Adopt with the following amendment(s): The TIF loan is contingent upon authorization for its funding being included in the 2006 adopted Capital Budget.
The motion passed by the following vote:
Aye: 14 - Benford, Brandon, Cnare, Golden, King, Konkel, Olson, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
No: 6 - Sanborn, Bruer, Compton, Gruber, Knox, Jr. and Rosas
Non Voting: 1 - Cieslewicz
Enactment No: RES-05-00623

23. [01559](#) SUBSTITUTE - Amending the Inclusionary Zoning Policies and Protocols document to change the source of interest rates used to establish the price for inclusionary unit for sale dwelling, and designate certain positions within the City to implement portions of the inclusionary dwelling program, ~~and authorize the Plan Commission to adopt changes in the Inclusionary Zoning Program Policies and Protocol as needed.~~
- 1 Registrant(s) in support not wishing to speak.*
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00624

REPORT OF BOARD OF PUBLIC WORKS

24. [01486](#) Authorizing the Mayor and City Clerk to execute an agreement with the City of Fitchburg for cost sharing for the design of reconstruction of Harley Drive. (20th AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00625
25. [01514](#) Approving plans, specifications, and schedule of assessments for the installation of street lights in Tancho/CIC Phase 2. (17th AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00626
26. [01519](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to an agreement with the Madison Metropolitan Sewerage District (MMSD) and the City of Verona to hire a consultant for the design of the Lower Badger Mill Creek Interceptor Sewer and Drainageway. (1st & 9th ADs)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00627
27. [01532](#) Approving plans and specifications for public improvements necessary for the Subdivision known as Watts Road Certified Survey Map and authorizing construction to be undertaken by the Developer, Private Contract No. 2051. (1st AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00628
28. [01533](#) Improvements accepted for Milton Court, Bowen Court, St. James Court and Charter Street Reconstruction Assessment District - 2002, Contract No. 5413. (13th AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00629

29. [01544](#) Approving plans and specifications for public improvements necessary for the Subdivision known as Atticus Way Certified Survey Map and authorizing construction to be undertaken by the Developer, Private Contract No. 2053. (10th AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00630
30. [01547](#) Declaring the City of Madison's intention to exercise its police powers establishing the Severson Drive Assessment District - 2005. (16th AD)
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00631

REPORT OF BOARD OF PUBLIC WORKS - BIDS

31. [01558](#) Awarding Public Works Contracts for Bids Opened July 1, 2005.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00632

REPORT OF BOARD OF WATER COMMISSIONERS

32. [00976](#) Authorizing the execution of a Quit Claim Deed to Norman C. Herro; Stuart C. Herro; and Stuart C. Herro and Carol A. Valley, as Co-Trustees of Wingra Park Trust for property commonly known as Unit Well No. 22, located at 1109 Pflaum Road. 16th Ald. Dist.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00633

REPORT OF CITY CLERK

33. [01632](#) Secondhand Dealer License Renewal (filed late)
AJS Enterprises, Inc. • dba Madison Music • 414 State Street
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.**
34. [01633](#) Auto Salvage Dealer License Renewal (filed late)
Copart of Connecticut, Inc. • dba Copart Auto Auctions • 5448 Lien Road
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Grant. The motion passed by acclamation.**

REPORT OF COMMON COUNCIL ORGANIZATIONAL COMMITTEE

35. [01465](#) SUBSTITUTE - Amending Section 3.27(4)(f) of the Madison General Ordinances to modify the committee, board or commission member holdover provision.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00133

REPORT OF PLAN COMMISSION

36. [01553](#) SUBSTITUTE - Creating Section 15.01(548) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 16th Aldermanic District the WL Holdings Annexation and assigning a temporary zoning classification of A Agriculture District, and amending Section 15.02 (131) of the Madison General Ordinances to assign the attached property to Ward 131.
- Adopt at the 8/2/05 Common Council Meeting (2/3 vote required).*
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Refer to a future Meeting to Adopt for August 2, 2005. The motion passed by acclamation.**
37. [01554](#) SUBSTITUTE - Creating Section 15.01(547) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 7th Aldermanic District the Miller-Krantz-Shalkhalm Annexation and assigning a temporary zoning classification of A Agriculture District, creating Section 15.02(135) of the Madison General Ordinances to assign the attached property to Ward 135, and amending Section 15.03(7) of the Madison General Ordinances to add Ward 135 to Aldermanic District 7.
- Adopt at the 8/2/05 Common Council Meeting (2/3 vote required).*
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Refer to a future Meeting to Adopt for August 2, 2005. The motion passed by acclamation.**
38. [01569](#) Reapproving the final plat of American Center-Buttonwood Addition located on American Parkway at Buttonwood Drive. 17th Ald. Dist.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00634

REPORT OF RISK MANAGER

39. [01266](#) C. Smith, attorney for S. & G. Beck, 4520 Maher Avenue, Madison - property damage - \$26,551.22.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.**
40. [01269](#) D. & M. Broner, 624 Bordner Drive, Madison - property damage - \$3,899.00.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.**
41. [01275](#) D. Timler, P. O. Box 3125, Madison - vehicle damage - \$971.22.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Deny. The motion passed by acclamation.**

REPORT OF TRANSIT/ PARKING COMMISSION

42. [01473](#) Authorizing the Transit General Manager to file an application for a Section 5307, public transit capital, capital maintenance, and capital planning grant with U.S. Department of Transportation and authorizing the Mayor and the City Clerk to execute the associated grant agreement with USDOT and the associated 13 (c) agreement with Teamsters Local No. 695.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00635
43. [01474](#) Authorizing the Transit General Manager to file an application for a Section 5309 formula public transit capital grant with U.S. Department of Transportation and authorizing the Mayor and the City Clerk to execute the associated grant agreement with USDOT and the associated 13 (c) agreement with Teamsters Local No. 695.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00636
44. [01475](#) Authorizing the Transit General Manager to file an application for a public transit capital grant with Wisconsin Department of Transportation and authorizing the Mayor and the City Clerk to execute the associated grant agreement with WISDOT and the associated 13 (c) agreement with Teamsters Local No. 695.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00637
45. [01493](#) Authorizing the Mayor and City Clerk to execute an agreement with the University of Wisconsin-Madison for the provision of free access by UW-Madison and UW Hospital employees to Metro Transit fixed route and ADA paratransit services, with reimbursement to the transit utility for estimated employee trips for the period September 1, 2005 through August 31, 2006.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00638
46. [01534](#) Authorizing the Mayor and City Clerk to execute a service agreement with the City of Verona for the provision of commuter bus service between West Transfer Point in Madison and bus stops in Verona, including the new Epic Systems campus, starting in September, 2005 for a period of two years, with option for renewal thereafter.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00639

47. [01541](#) Authorizing the Mayor and City Clerk to sign and execute an agreement between the City of Madison and WP Beverages, LLC for the provision of vending machine services for cold beverages at Metro Transit's North, South, East, and West Transfer Points for an initial period of one year, with an option to extend the agreement for two (2) periods of one (1) year each by mutual agreement of the parties.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** RES-05-00640

REFERRED TO THIS MEETING

APPOINTMENTS

48. [01555](#) Report of the Mayor submitting citizen committee appointments (introduced 7-5-05; action 7-19-05).
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Confirm. The motion passed by the following vote:**
- Aye:** 20 - Benford, Sanborn, Brandon, Bruer, Cnare, Compton, Golden, King, Konkel, Gruber, Olson, Knox, Jr., Rosas, Palm, Skidmore, Thomas, Van Rooy, Verveer, Radomski and Webber
- No:** 0 -
- Non Voting:** 1 - Cieslewicz

ORDINANCES

49. [01545](#) Amending Section 3.31(2) of the Madison General Ordinances to modify the rate at which election officials shall be paid.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00134
50. [01560](#) SUBSTITUTE - Amending Sections. 9.13(6)(j)2.a., (6)(j)2.e., and 9.13(4)(e) of the Madison General Ordinances to allow sidewalk cafes on the Capitol Square to be located next to the building face.
- A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.**
- Enactment No:** ORD-05-00135

RESOLUTIONS

51. [00854](#) Approving Plans, Specifications, and Schedule of Assessments for South High Point and Raymond Road Street Assessment District - 2004.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00358
52. [01568](#) Expressing gratitude to Gaylord Nelson for his lifetime of accomplishments and public service, sadness at his passing, and sympathy to his family.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00641
53. [01589](#) Expressing sadness at the passing of Tony Zander and expressing sympathy to his family.
A motion was made by Council President Van Rooy, seconded by Ald. Verveer, to Adopt. The motion passed by acclamation.
Enactment No: RES-05-00642

NEW BUSINESS

All New Business & Claims was referred on a motion made by Ald. Van Rooy, seconded by Ald. Verveer.

ORDINANCES

54. [01626](#) Creating Section 28.06(2)(a)3114. of the Madison General Ordinances rezoning property from Temp A Agriculture District to C1 Limited Commercial District. Proposed Use: Future Commercial Use; 5434 Commercial Avenue: 17th Aldermanic District.
Due back at the 9/6/05 Common Council Meeting
Refer For Public Hearing to the PLAN COMMISSION
55. [01627](#) Creating Section 28.06(2)(a)3115. of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a) 3116. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Demolish Existing Structure and Build Convenience Store with Gas Sales; 401 North Third Street: 12th Aldermanic District.
Due back at the 9/6/05 Common Council Meeting
Refer For Public Hearing to the PLAN COMMISSION

56. [01628](#) Creating Section 15.01(549) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 13th and 14th Aldermanic Districts the Badger-Ann-Park Street Attachment, amending Sections 15.02(106), (57) and creating Section 15.02(136) of the Madison General Ordinances to add portions of the attached property to Wards 106, 57 and new Ward 136, respectively, and amending Section 15.03(13) to establish Ward 136 in the 13th Aldermanic District.

Adopt at the 8/2/05 Common Council Meeting

Refer to a future Meeting to Adopt

57. [01629](#) Amending portions of Section 9.23 of the Madison General Ordinances to incorporate State of Wisconsin regulations for Mobile Home Parks, to define those regulations and to repeal certain obsolete provisions.

Refer to the HOUSING COMMITTEE

RESOLUTIONS

58. [01562](#) Determining a Public Purpose and necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for planned public storm sewer improvements associated with City of Madison Engineering Division Corry Street Reconstruction project, City of Madison, Dane County, Wisconsin and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the acquisition of necessary land interests. (6th AD)

Due back at the 9/6/05 Common Council Meeting.

**Refer For Public Hearing to the BOARD OF PUBLIC WORKS Additional Referrals:
Plan Commission**

59. [01564](#) Authorizing amendments to the Homebuyers Assistance Program.

Refer to the BOARD OF ESTIMATES

60. [01565](#) Authorizing the Mayor and City Clerk to enter into an agreement with MG&E to construct, maintain, and manage an active stormwater infiltration system in the Odana Hills Golf Course and Park. (20th Ald Dist)

**Refer to the BOARD OF PARK COMMISSIONERS Additional Referrals:
Commission on the Environment, Board of Public Works**

61. [01577](#) Authorizing the Mayor and City Clerk to execute an Assignment and Assumption Agreement and Subordination of Mortgage regarding a loan made to fund the rehabilitation of 1865 Fisher Street.

Refer to the BOARD OF ESTIMATES

62. [01595](#) Authorizing the Mayor and the City Clerk to enter into a five-year tire lease for Metro Transit.

Refer to the TRANSIT AND PARKING COMMISSION Additional Referrals: Board of Estimates

63. [01620](#) Authorizing the Mayor and City Clerk to execute an agreement with Madison Area Technical College (MATC) for the provision of free access by MATC students to Metro Transit fixed route and ADA paratransit services, with reimbursement to the transit utility for estimated student trips for the period August 22, 2005 through August 19, 2006.
- Refer to the TRANSIT AND PARKING COMMISSION Additional Referrals: Board of Estimates**
64. [01634](#) Approving temporary construction work with associated noise impacts between the hours of 7:00 PM and 7:00 AM on East Washington Avenue from N Dickinson Street to Fourth Street and on First Street from East Johnson Street to Winnebago Street. (2nd, 6th & 12th ADs)
- Refer to the BOARD OF PUBLIC WORKS**
65. [01635](#) Authorizing the City to enter into a contract with Employee Benefits Corporation (EBC) for the third party administration of the City's Flex Spending Account Benefit Plan.
- Refer to the BOARD OF ESTIMATES**
66. [01637](#) Authorizing the adoption of amendments to the "Regulations Governing Vending in High Density Vending Areas" to create a deadline for purchasing Camp Randall High Density Vending licenses and to create procedure for reassigning forfeited or unused sites.
- Adopt at the 8/2/05 Common Council Meeting.*
- Refer to a future Meeting to Adopt**
67. [01649](#) Authorizing the Mayor and the City Clerk to execute Amendment No. 1 to the Professional Services Agreement with Strand Associates Inc. for site planning, building design, and preparation of plans and specifications for Unit Well 30 to include construction administration services.
- Refer to the BOARD OF WATER COMMISSIONERS**
68. [01651](#) Approving a strategy to preserve housing in the Allied neighborhood triggered by a foreclosure action on a City-assisted property, approving the provision of up to \$400,000 in additional CD Office and CDA funds for this strategy, and authorizing the Mayor and the City Clerk to sign agreements to implement this project.
- Due back at the 8/2/05 Common Council Meeting.*
- Refer to the Mayor's Office Additional Referrals: Board of Estimates, Community Development Block Grant Commission, Community Development Authority.**

LICENSES

69. [01623](#) Public Hearing - New License
WI Houli, LLC • dba Houlihan's • capacity of 325
1262 John Q Hammons Drive • Agent: Susan Getgen
Class B Combination Liquor & Beer • 20% alcohol, 80% food
Due back at the 9/6/05 Common Council Meeting
- Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**
70. [01624](#) Public Hearing - New License
Red Door Productions, LLC • dba Mini Bar • estimated capacity of 102
320 N. Randall Avenue • Agent: Nicholas Wember
Class B Combination Liquor & Beer • 70% alcohol, 29% food
Due back at the 9/6/05 Common Council Meeting
- Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**
71. [01625](#) Public Hearing - New License
McGoff, LLC • dba The Stadium Bar & Eatery • estimated capacity of 255
1419 Monroe Street • Agent: Thomas Beach
Class B Combination Liquor & Beer • 70% alcohol, 30% food
Due back at the 9/6/05 Common Council Meeting
- Refer For Public Hearing to the ALCOHOL LICENSE REVIEW COMMITTEE**

CLAIMS - REFER TO RISK MANAGER

72. [01652](#) C. Thiesenhusen, & T. Brown, 618 Bordner Dr., Madison - property damage, lost wages, & hazardous conditions - \$3,084.56.
73. [01653](#) J. Einspahr, 1315 Drake St. # 4, Madison - vehicle damage - \$1,805.21.
74. [01654](#) A. Baer, 526 Hilltop Dr., Madison - vehicle damage - \$500.00 + rental car fees.
75. [01655](#) P. Kansara, 29 Yarrow Circle, Madison - property damage - \$171.76.

ITEMS INTRODUCED FROM THE COUNCIL FLOOR**ORDINANCES**

- [01665](#) Creating Section 4.25 of the Madison General Ordinances relating to city procurement of items of apparel (sweat-free procurement policies).
- Refer to the BOARD OF ESTIMATES**

RESOLUTIONS**01650**

Whereby the Common Council advises the Transit and Parking Commission of its general preferences and direction related to the 2006 Madison Metro budget and how that budget might affect fare increases.

Due back at the 8/2/05 Common Council Meeting.

Refer to the BOARD OF ESTIMATES

01659

Authorizing the Mayor and City Clerk to execute agreements with Dane County and the Town of Madison and authorizing modifications to the existing Traffic Signal and Street Lighting Agreement with the Wisconsin Department of Transportation for the operation and maintenance of traffic control signals and street lights at various locations.

Refer to the BOARD OF ESTIMATES

01663

Praising Representative Mark Pocan for being ethical and sensible.

Adopt at the 8/2/05 Common Council Meeting.

Refer to a future Meeting to Adopt

01666

To authorize the Mayor and City Clerk to enter into a contract on behalf of the City, with the University of Wisconsin System Board of Regents/School of Nursing to allow the use of the Madison Department of Public Health as a clinical education site for nursing students.

Due back at the 8/20/05 Common Council Meeting.

Refer to the BOARD OF HEALTH FOR MADISON AND DANE COUNTY

ADJOURNMENT

A motion was made by Council President Van Rooy, seconded by Ald. Bruer, to Adjourn at 10:00 p.m. The motion passed by acclamation.

I certify that the foregoing action of the Common Council was approved by the Mayor on the 21st day of July, 2005.

Ordinances published on the 5th day of August, 2005.

RAY FISHER, CITY CLERK